

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2007

CORAM:

THE HON'BLE MR.JUSTICE M.CHOCKALINGAM

W.P.NOs.3026,3027,3028, 3029 and 3031 OF 2004

AND

M.P.NOs.3559, 3561,3563,3565,3569 OF 2004 and
WP.MP.NOS.1577,1578 AND 1579 OF 2004

V.Thangamani	...Petr., in W.P.No.3026/04
A.Hepzi Baby Rani	...Petr., in W.P.No.3027/04
S.Sugitha @ Sofia	...Petr., in W.P.No.3028/04
J.D.R.Kingston	...Petr., in W.P.No.3029/04
J.Benjamin Selvakumar	...Petr., in W.P.No.3031/04

Vs.

- 1.The Director,
Directorate of School Education,
College Road, Chennai 600 006.
 2. The District Elementary Educational Officer,
Primary and Middle School,
Tirunelveli-1. ...1st and 2nd respdt in all W.Ps.
 3. The Additional Assistant Elementary
Educational officer,
Primary and Middle School,
Alangulam Seharam,
Alangulam, Tirunelveli District.
 4. The Correspondent,
T.D.T.A. Middle & Primary Schools,
Uthumalai, Tirunelveli District.
- R4 amended as per order of this Court
dt.8.3.2004 in WP.MP.No.4758/04 ...3rd and 4th respdt in
W.P.NO.3026 OF 2004
3. The Additional Assistant Elementary
Educational officer,
Primary and Middle School,
Alangulam Seharam,
Alangulam, Tirunelveli District..

4. The Correspondent,
T.D.T.A. Middle & Primary Schools,
Nallur Tirunelveli District

..3rd and 4th respdt in
W.P.NO.3027/04

R4 amended as per order of this Court
dated 8.3.2004 in WP.Mp.No.4759/04

3. The Additional Assistant Elementary
Educational officer,
Primary and Middle School,
Kilpavoor Circle,
Pavoor Chandran,
Thirunelveli District.

4. The Correspondent,
T.D.T.A. Middle & Primary Schools,
Pudusurandai, Tirunelveli District

...3rd & 4th respdt in
W.P.No.3028/04

R4 amended as per order of this Court
dated 8.3.2004 in WP.Mp.No.4760/04

3. The Additional Assistant Elementary
Educational officer,
Primary and Middle School,
Alangulam Seharan,
Alangulam, Thirunelveli District.

4. The Correspondent,
T.D.T.A. Middle & Primary Schools,
Alangulam, Tirunelveli District

3rd & 4th respdt in
W.P.No.3029/04

3. The Additional Assistant Elementary
Educational officer,
Primary and Middle School,
Vasudevanallur,
Thirunelveli District.

4. The Correspondent,
T.D.T.A. Middle & Primary Schools,
Puliangudi, Tirunelveli District

3rd & 4th respdt in
W.P.No.3031/04

R4 amended as per order of this Court
dt.8.3.2004 in WP.Mp.No.4761 of 2004

Petitions filed under Article 226 of the Constitution of of
India praying for the issuance of a writ of mandamus as stated within

For petitioner: Mr.M.A.Abdul Wahab
For Respondents 1 to 3: Mr.V.Arun
Additional Govt.Pleader
For Respondent No.4: Mr.K.Ravichandra Babu

O R D E R

This order shall govern the following five W.Ps.viz., W.P.Nos.3026,3027,3028,3029 and 3031 of 2004. In these writ petitions, the petitioners have sought for the direction directing the second respondent to grant approval of the appointment of the petitioners who were appointed in the post of Secondary Grade Assistants with effect from the date of their respective appointments.

2. Affidavits filed in support of the petitions are perused.

3. The Court heard the learned counsel for the petitioners as well as the learned counsel for the respondents.

4. Concededly, the petitioners who are five in number were all appointed in the sanctioned post of Secondary Grade Assistants in different schools under the management of fourth respondent before five or six years. Pursuant to their appointment, the fourth respondent management submitted a letter to the second respondent viz., the District Elementary Educational officer, Tirunelveli with a request to grant approval of their appointment in the said post. The petitioners also made representation to the second respondent for grant of approval. The third respondent after making due inspection of the respective schools has also submitted a report stating that the petitioners were appointed in the sanctioned post and also recommended for approval of their appointment. The second respondent also made an inspection and also submitted report recommending for approval of their appointment in the said post. Several representations have also been made by the petitioners to the first respondent, but inspite of the same, no action was taken to approve their appointment. Under such circumstances, the above writ petitions have been brought forth for the relief as extracted above.

5. Learned counsel for the petitioners reiterated the same contentions before this Court as put forth in the respective affidavits.

6. The Court heard the learned counsel for the respondents.

7. Now at this juncture, the recommendation made by the second respondent dated 2.3.2007 to the first respondent is also placed before this Court and from which it could be seen that the recommendation have been made not only in respect of these petitioners, but also number of persons who are all appointed as Secondary Grade Assistants in different schools including that of the petitioners. It is also made clear that they were appointed against the sanctioned post. Since the fourth respondent

has made a request and the third respondent has also made a recommendation and submitted a report to the second respondent, no impediment would be caused in issuing a direction to the second respondent for grant of approval. Under such circumstances, it would be quite necessary to issue a direction to the second respondent to grant approval in respect of the petitioners herein to pass orders for grant of approval of the appointment of the petitioners who are now working under the fourth respondent, management in the sanctioned post with the effect from the date of their respective appointments, as expeditiously as possible, preferably within a period of ten weeks from the date of receipt of a copy of this order and accordingly ordered.

8. With the above observation, the writ petitions are disposed of. No costs. Consequently, M.P.NOs.3559, 3561,3563,3565,3567 OF 2004 and WP.MP.NOS.1577,1578 AND 1579 OF 2004 are closed.

VJY

sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

- 1.The Director,
Directorate of School Education,
College Road, Chennai 600 006.
2. The District Elementary Educational Officer,
Primary and Middle School,
Tirunelveli-1.
3. The Additional Assistant Elementary Educational officer,
Primary and Middle School,
Alangulam Seharam,
Alangulam, Tirunelveli District.
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Kilpavoor Circle,
Pavoor Chandran,
Thirunelveli District.

7. The Correspondent,
T.D.T.A. Middle & Primary Schools,
Pudusurandai, Thirunelveli Dist.

8. The Correspondent,
T.D.T.A. Middle & Primary Schools,
Alangulam, Tirunelveli District

9. The Additional Assistant Elementary
Educational officer,
Primary and Middle School,
Vasudevanallur,
Thirunelveli District.

10. The Correspondent,
T.D.T.A. Middle & Primary Schools,
Puliangudi, Tirunelveli District

+ 3 ccs To Mr.M.A.AbdulWahab Advocate SR.NO.61512,61305,61513
+ 1 cc to Mr.K.Ravichandra Babu Advocate SR.NO.61190
+ 1 cc to Govt.pleader SR.NO.61413

CV(CO)
RD 8.10.07

सत्यमेव जयते

W.P.NOs.3026,3027,3028,
3029 and 3031 OF 2004
and Connected M.Ps.

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